

1 **Kimmel & Silverman, P.C.**  
2 **1930 East Marlton Pike, Suite Q29**  
3 **Cherry Hill, New Jersey 08003**  
4 **Telephone: 856-429-8334**  
5 **Attorney of Record: Amy Bennecoff (AB0891)**  
6 **Attorney for Plaintiff**

7 **IN THE UNITED STATES DISTRICT COURT**  
8 **FOR THE DISTRICT OF NEW JERSEY**

9 **HELEN BAKER,**

10 Plaintiff,

11 vs.

12 **ACCOUNTS RECEIVABLES**  
13 **MANAGEMENT, INC.**

14 Defendant

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18 ) **CIVIL ACTION NO.**  
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29 **COMPLAINT**

30 NOW COMES the Plaintiff, HELEN BAKER, ("Plaintiff") and her attorneys, Kimmel  
31 & Silverman, P.C., and for her Complaint against the Defendant ACCOUNTS RECEIVABLES  
32 MANAGEMENT, INC. ("Defendant").

33 Plaintiff alleges and states as follows:

34 **I. PRELIMINARY STATEMENT**

35 1. This is an action for damages brought by an individual consumer for  
36 Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*  
37 (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive,  
38 and unfair practices. Plaintiff further alleges a claim for invasion of privacy ancillary to  
39 Defendants' collection efforts.

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3 **II. JURISDICTION AND VENUE**

4 2. Jurisdiction of this Court arises under 15 U.S.C. §1692k(d) and 28 U.S.C.  
5 §1331. Venue lies properly in this district pursuant to 28 U.S.C. §1391(b), as a substantial part  
6 of the events and omissions giving rise to the claim occurred within this District.

7 **III. PARTIES**

8 3. Plaintiff is an adult individual who resides in Hazard, Kentucky, 41701.

9 4. Plaintiff is a “consumer” as defined in 15 U.S.C. § 1692(a)(3), as he is a natural  
10 person allegedly obligated to pay a debt.  
11

12 5. At all relevant times, Defendant acted as a “debt collector” within the meaning  
13 of 15 U.S.C. § 1692(a)(6), in that they held themselves out to be a company collecting a  
14 consumer debt allegedly owed to another.

15 6. Defendant is a national debt collection company with its registered address at  
16 155 Mid Atlantic Parkway, Thorofare, New Jersey 08086.  
17

18 7. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6)  
19 trying to collect a “debt” as defined by 15 U.S.C. §1692(a)(5).

20 8. Defendant acted through their agents, employees, officers, members, directors,  
21 heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.  
22

23 **IV. BACKGROUND ON THE FDCPA**

24 9. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive statute  
25 which prohibits a catalog of activities in connection with the collection of debts by third parties.  
26 See 15 U.S.C. §1692 et seq. The FDCPA imposes civil liability on any person or entity that  
27 violates its provisions, and establishes general standards of debt collector conduct, defines  
28

1 abuse, and provides for specific consumer rights. 15 U.S.C. §1692(k). The operative  
2 provisions of the FDCPA declare certain rights to be provided to or claimed by debtors, forbid  
3 deceitful and misleading practices, prohibit harassing and abusive tactics, and proscribe unfair  
4 or unconscionable conduct, both generally and in a specific list of disapproved practices.  
5

6 10. In particular, the FDCPA broadly enumerates several practices considered  
7 contrary to its stated purpose and forbids debt collectors from taking such action. The  
8 substantive heart of the FDCPA lies in three broad prohibitions. First, a “debt collector may  
9 not engage in any conduct the natural consequence of which is to harass, oppress, or abuse any  
10 person in connection with the collection of a debt.” 15 U.S.C. § 1692(d). Second, a “debt  
11 collector may not use any false, deceptive, or misleading representation or means in connection  
12 with the collection of any debt.” 15 U.S.C. § 1692(e). And third, a “debt collector may not use  
13 unfair or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. § 1692(f).  
14 Simply, designed to protect consumers from unscrupulous collectors, whether or not there  
15 exists a valid debt, the FDCPA broadly prohibits unfair or unconscionable collection methods,  
16 conduct which harasses, oppresses or abuses any debtor, and any false, deceptive or misleading  
17 statements, in connection with the collection of a debt.  
18  
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20 11. In enacting the FDCPA, the United States Congress found that “[t]here is  
21 abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by  
22 many debt collectors,” which “contribute to the number of personal bankruptcies, to marital  
23 instability, to the loss of jobs, and to invasions of individual privacy.” 15 U.S.C. § 1692(a).  
24 Congress additionally found existing laws and procedures for redressing debt collection injuries  
25 to be inadequate to protect consumers. 15 U.S.C. § 1692(b).  
26  
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1           12. Congress enacted the FDCPA to regulate the collection of consumer debts by  
2 debt collectors. The express purposes of the FDCPA are to “eliminate abusive debt collection  
3 practices by debt collectors, to insure that debt collectors who refrain from using abusive debt  
4 collection practices are not competitively disadvantaged, and to promote consistent State action  
5 to protect consumers against debt collection abuses.” 15 U.S.C. § 1692(e).  
6

7                           **V. FACTUAL ALLEGATIONS**

8           13. At all pertinent times hereto, Defendant was hired to collect a consumer credit  
9 card debt allegedly owed by Plaintiff, in connection to a First Premier Bank account.  
10

11           14. For purpose of background, Defendant began placing repetitive and harassing  
12 telephone calls to Plaintiff on or around August of 2010.

13           15. At no point during the five (5) day period from the first communication, or any  
14 time since, has Defendant notified Plaintiff of her right to dispute the validity of the debt, or to  
15 demand verification thereof.  
16

17           16. Defendant’s harassing telephone calls were placed by its representatives  
18 “Andrew Brown” (phonetic), “Ms. Carrie” (phonetic), “Kim” (phonetic) and “Doug”  
19 (phonetic).  
20

21           17. The calls derived from numbers including, but not limited to (866) 932-6780,  
22 (336) 308-0430 and (336) 790-3607. The undersigned has confirmed that these numbers  
23 belong to Defendant.

24           18. Defendant’s representatives called Plaintiff multiple times per day, demanding  
25 payment of the alleged debt. Plaintiff has kept a non-exhaustive call log, detailing Defendant’s  
26 harassing calls from October, 2010 until March, 2011, which is attached hereto as Exhibit “A”.  
27  
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1           19. On October 19, 2011 Defendant's representatives, including but not limited to  
2 "Doug", called Plaintiff at least four (4) times in a single day.

3  
4           20. At least two (2) of these calls on October 19, 2011 were before 8:00 am.

5           21. Plaintiff was highly disturbed and inconvenienced by Defendant's early  
6 harassing calls.

7           22. Accordingly, Plaintiff told Defendant's representative "Doug" to call back at a  
8 more appropriate time.

9  
10          23. At 8:01 am on October 19, 2011, "Doug" called Plaintiff again and said  
11 "remember me? It's Doug!"

12          24. In the October 19, 2011 telephone conversation, "Doug" told Plaintiff that she  
13 had poor English.

14          25. During another communication, Defendant's representative "Kim" called  
15 Plaintiff and told her that Defendant was going to take legal action against Plaintiff and garnish  
16 her wages.

17  
18          26. Plaintiff informed "Kim" that due to medical issues, she was on Social Security  
19 Disability, and therefore Defendant could not garnish her wages.

20          27. "Kim" falsely told Plaintiff that because the alleged debt derives from a mail  
21 ordered item, Plaintiff has committed mail fraud, and that Plaintiff could therefore be arrested.

22          28. Despite the threats made by "Kim", no civil or criminal legal action has been  
23 taken by Defendant against Plaintiff.

24  
25          29. In or around, December, 2010, Defendant's representatives began placing  
26 harassing telephone calls to both of Plaintiff's parents with the intent of embarrassing Plaintiff  
27 and coercing Plaintiff into making payment of the alleged debt.  
28

1           30. On or around December 1, 2010, a representative of Defendant telephoned  
2 Plaintiff's mother, and informed her that Plaintiff was "acting childish" and refusing to pay her  
3 debt.  
4

5           31. On or around December 15, 2010, a representative of Defendant telephoned  
6 Plaintiff's father in order to collect Plaintiff's alleged debt.  
7

8           32. During this call, Defendant's representative became rude and abrasive, and told  
9 Plaintiff's father that the calls will not cease, until Plaintiff pays the debt.  
10

11           33. Defendant's actions in connection with the collection of Plaintiff's alleged debt  
12 were harassing, abusive, deceptive and unfair.  
13

14                               **VI. ALLEGATIONS**  
15                               **VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**  
16

17           34. Plaintiff reincorporates by reference all of the preceding paragraphs.  
18

19           35. Defendant's conduct violated the FDCPA in multiple ways, including but not  
20 limited to:  
21

22               a) Contacting Plaintiff at an inconvenient time, in violation of 15 U.S.C. §  
23 1692c(a)(1);  
24

25               b) Contacting third parties in connection to the collection of Plaintiff's alleged  
26 debt, in violation of 15 U.S.C. § 1692c(c);  
27

28               c) Harassing, oppressing or abusing Plaintiff in connection with the collection  
of a debt in violation of 15 U.S.C. § 1692d;  
29

              d) Using language the natural consequence of which was to abuse Plaintiff in  
violation of 15 U.S.C. § 1692d(2);  
30

              e) Causing Plaintiff's telephone to ring repeatedly or continuously with intent  
to annoy, abuse, or harass him, in violation of 15 U.S.C. § 1692d(5);  
31

1 f) Making representations to Plaintiff that were misleading and deceptive, in  
2 violation of 15 U.S.C. § 1692e;

3 g) Making threats to take legal actions that were not intended to be taken, in  
4 violation of 15 U.S.C. § 1692e(5);

5 h) Making the false representation that Plaintiff has committed a crime, in  
6 violation of 15 U.S.C. § 1692e(7);

7 i) Making representations to Plaintiff that were misleading and deceptive, in  
8 violation of 15 U.S.C. § 1692e(10);

9 j) Acting in a way that is unfair and unconscionable, in violation of 15 U.S.C.  
10 § 1692f;

11 k) Failing to notify Plaintiff of her right to dispute the debt or demand  
12 verification thereof within five (5) days of the initial communication, in violation of 15 U.S.C.  
13 § 1692g(a); and

14 l) Defendant acted in an otherwise deceptive, unfair and unconscionable  
15 manner and failing to comply with the FDCPA.

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20 **VII. PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff respectfully prays that judgment be entered against the  
22 Defendant for the following:

- 23 A. Actual damages;  
24 B. Statutory damages;  
25 C. Costs and reasonable attorney's fees; and,  
26 D. For such other and further relief as may be just and proper.  
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**VIII. DEMAND FOR A JURY TRIAL**

Plaintiff demands a trial by jury as to all issues triable.

**CERTIFICATION PURSUANT TO L.CIV.R.11.2**

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

Date: 10/11/11

Respectfully submitted,

By: /s/ Amy Bennecoff (AB0891)  
AMY L. BENNECOFF  
Attorney for Plaintiff  
Kimmel & Silverman, P.C.  
1930 East Marlton Pike, Suite Q29  
Cherry Hill, New Jersey 08003  
Telephone: 856-429-8334



JS 44 (Rev. 12/07)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

HELEN BAKER

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Amy L. Bennecoff, Kimmel & Silverman, P.C., 1930 East Marlton  
Pike, Suite Q29, Cherry Hill, New Jersey 08003, 856-429-8334

**DEFENDANTS**

ACCOUNTS RECEIVABLES MANAGEMENT, INC.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN**

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. 1692k  
 Brief description of cause:  
 Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/11/2011

SIGNATURE OF ATTORNEY OF RECORD

/s/ Amy L. Bennecoff

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE